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12 *Attorneys for Defendants*
13 *Clark County School District and*
14 *Scarlett Perryman*

9 UNITED STATES DISTRICT COURT

10 DISTRICT OF NEVADA

11 B.H., a minor by and through her Parent,
12 Sirbrina Bell,

13 Plaintiff,

CASE NO. 2:23-cv-00564-JCM-DJA

14 vs.

15 **STIPULATION AND ORDER TO**
16 **EXTEND DISCOVERY DEADLINES**
17 **(FIRST REQUEST)**

15 CLARK COUNTY SCHOOL DISTRICT;
16 SCARLETT PERRYMAN, individually, and in
17 her official capacity as a School Associate
18 Superintendent of Clark County School District;
19 RYAN LEWIS, individually, and in his official
20 capacity as Plaintiff's former Principal;
21 KATHRYN FITZGERALD, individually, and in
22 her capacity as Plaintiff's former teacher of
23 record; DOES I-X, and ROE CORPORATIONS
24 I-X, inclusive,

25 Defendants.

22 PURSUANT TO LR 6-1 and LR ²⁶⁻³26-4, PLAINTIFF, by and through her undersigned
23 counsel of record, and Defendants CLARK COUNTY SCHOOL DISTRICT (CCSD) and
24 SCARLETT PERRYMAN (Perryman), by and through their undersigned counsel of record, and
25 Defendants RYAN LEWIS (Lewis) and KATHRYN FITZGERALD (Fitzgerald), by and
26 through their undersigned counsel of record, hereby stipulate and request that this Court extend
27 discovery deadlines in the above-captioned case by ninety (90) days as outlined herein. This is
28 the parties' **First Request** to extend the time to complete discovery.

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OLSON CANNON GORMLEY & STOBERSKI
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Las Vegas, Nevada 89129
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In support of this Stipulation and Request, the parties state as follows:

I. Procedural Posture of the Case:

1. On April 26, 2023, Plaintiff filed the subject Complaint. (ECF No. 1)
2. On May 26, 2023, Defendants CCSD and Perryman filed their Answer to Plaintiff's Complaint. (ECF No. 5)
3. On June 12, 2023, Defendants Lewis and Fitzgerald filed their Motion for Partial Dismissal of Plaintiff's Complaint. (ECF No. 10)
4. On June 16, 2023, Defendants CCSD and Perryman filed their Joinder to Defendants Lewis and Fitzgerald's Motion for Partial Dismissal of Plaintiff's Complaint. (ECF No. 12)
5. On July 6, 2023, Plaintiff filed its Opposition to Defendants Lewis and Fitzgerald's Motion for Partial Dismissal of Plaintiff's Complaint, and to Defendants CCSD and Perryman's Joinder thereto. (ECF No. 15)
6. On July 11, 2023, the Court approved the parties proposed Joint Discovery Plan and Scheduling Order. (ECF No. 17)
7. After Stipulation to an extension of time (ECF No. 20), on July 20, 2023, Defendants Lewis and Fitzgerald filed their Reply in Support of their Motion for Partial Dismissal of Plaintiff's Complaint. (ECF No. 21)
8. On July 20, 2023, Defendants CCSD and Perryman filed a Joinder to Defendants Lewis and Fitzgerald's Reply in Support of their Motion for Partial Dismissal of Plaintiff's Complaint. (ECF No. 22)
9. On July 25, 2023, the Court approved and entered the parties Stipulated Protective and Confidentiality Order. (ECF No. 24)

II. Discovery Completed to Date

1. Initial Disclosures were served:
 - a. By Plaintiff on July 21, 2023;
 - b. By Defendants CCSD and Perryman on July 21, 2023;
 - c. By Defendants Lewis and Fitzgerald on July 21, 2023.

2. On August 23, 2022, an in-classroom observation of the minor Plaintiff by Plaintiff's expert was conducted.
3. Interrogatories and Requests for Production of Documents were served to Plaintiff by Defendant CCSD on August 24, 2023; Plaintiff's Responses thereto are due on September 26, 2023.
4. Defendant Ryan Lewis's deposition is scheduled for September 28, 2023.

III. Discovery Remaining

1. Deposition of the named Defendant Kathryn Fitzgerald
2. Deposition of the named Defendant Scarlett Perryman
3. Disclosure of Plaintiff's Computation of Damages
4. Determination of the scope, need for, and scheduling of a FRCP Rule 35 examination of the minor Plaintiff, contingent upon disclosure of Plaintiff's Computation of Damages.
5. In addition to depositions of the named Defendants, Depositions of an estimated six additional CCSD witnesses to events pertinent to the facts and circumstances surrounding the allegations of the Complaint.
6. Depositions of any and all physical and mental healthcare providers for the minor Plaintiff, the number of which is currently unknown.
7. Depositions of the minor Plaintiff's parents and guardians.
8. Upon Plaintiff's production of Authorizations for physical and mental health care records, and for childcare records, Subpoenas Duces Tecum will be issued to gather evidence of the minor Plaintiff's treatment and interaction at locations other than CCSD.
9. The parties will produce expert reports and rebuttal experts.
10. The parties will depose experts as disclosed.

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IV. Why Remaining Discovery Has Not Been Completed

The parties have been actively attempting to coordinate schedules of the parties' attorneys and of multiple current and former CCSD witnesses at the commencement of the school year. Due to the attorneys' calendars and conflicting discovery deadlines in other cases, the depositions and supplemental disclosures necessary to the parties' completion of discovery, and expert assessment and retention, have not been accomplished in spite of the parties' good faith efforts. Accordingly, the parties request a 90-day extension of the discovery deadlines as set forth below.

V. Requested Extension or Modification of the Discovery Plan and Scheduling Order

LR 26-4 governs modifications or extension of the discovery plan and scheduling order. LR 26-3 requires that any stipulation or motion must be made not later than twenty-one (21) days before the expiration of the subject deadline and comply fully with LR 26-4.

The current discovery deadlines and the parties' proposed extended deadlines are:

<u>Scheduled Event</u>	<u>Current Deadline</u>	<u>Proposed Deadline</u>
Close of Discovery	November 27, 2023	February 26, 2024
Amending Pleadings	August 29, 2023	Expired
Expert Disclosures	September 28, 2023	December 28, 2023
Rebuttal Disclosures	October 27, 2023	January 26, 2024
Dispositive Motions	December 27, 2023	March 28, 2024
Joint Pretrial Order	January 26, 2024	April 27, 2024

This is the First Request for an extension of discovery deadlines in this matter. This extension is sought for the purpose of allowing the parties to fully discover testimony regarding the subject events, damages claimed, expert assessment of the events and damages at issue, and not for any improper purpose or for delay.

The parties respectfully submit that the reasons set forth above constitute compelling reasons and good cause for the extension.

IT IS SO STIPULATED AND AGREED BY:

DATED this 7th day of Sept., 2023.

ARIAS SANGUINETTI WANG
& TORRIJOS, LLP

By: /s/ Christopher A.J. Swift
GREGG A. HUBLEY, ESQ.
 Nevada Bar No. 7386
CHRISTOPHER A.J. SWIFT, ESQ.
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 7201 W. Lake Mead Blvd., Suite 570
 Las Vegas, NV 89128
gregg@aswtlawyers.com
christopher@aswtlawyers.com
Attorneys for Plaintiff

MARQUIS AURBACH CHTD

ORDER

IT IS SO ORDERED.

DATED this 8th day of September, 2023.

UNITED STATES MAGISTRATE JUDGE

Nan Langenderfer

From: Christopher A. J. Swift <christopher@aswtlawyers.com>
Sent: Wednesday, September 6, 2023 10:34 AM
To: Stephanie Barker; Gregg A. Hubley; Jackie V. Nichols
Cc: Emily Grable; Emily Smith; Bryan Tamayo; Jasminn G. Hernandez; Tom Dillard; Jessica Kaufman; Linda Roth; Krista Busch; Nan Langenderfer
Subject: RE: BH v. CCSD - Expert Deadline

Hi Stephanie,

You may affix my electronic signature. Thank you for preparing this.

CHRISTOPHER A.J. SWIFT | [ARIAS SANGUINETTI](#) | (702) 789-7529

From: Stephanie Barker <sbarker@ocgas.com>
Sent: Tuesday, September 5, 2023 7:01 PM
To: Christopher A. J. Swift <christopher@aswtlawyers.com>; Gregg A. Hubley <gregg@aswtlawyers.com>; Jackie V. Nichols <jnichols@maclaw.com>
Cc: Emily Grable <emily@aswtlawyers.com>; Emily Smith <emilys@aswtlawyers.com>; Bryan Tamayo <bryan@aswtlawyers.com>; Jasminn G. Hernandez <jasminn@aswtlawyers.com>; Tom Dillard <tdillard@ocgas.com>; Jessica Kaufman <jkaufman@ocgas.com>; Linda Roth <lroth@ocgas.com>; Krista Busch <kbusch@maclaw.com>; Nan Langenderfer <nlangenderfer@ocgas.com>
Subject: RE: BH v. CCSD - Expert Deadline
Importance: High

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Chris, Gregg, & Jackie:

I've attached a draft Stip and Order requesting extension of discovery deadlines (First Request). Please let me know if you are agreeable to a stipulation, if so is this acceptable or if you would like changes. The Stip, or a motion, will need to be filed by Thursday.

Thank you.

Stephanie A. Barker, Esq.
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Nan Langenderfer

From: Jackie V. Nichols <jnichols@maclaw.com>
Sent: Wednesday, September 6, 2023 10:07 AM
To: Stephanie Barker; Christopher A. J. Swift; Gregg A. Hubley
Cc: Emily Grable; Emily Smith; Bryan Tamayo; Jasminn G. Hernandez; Tom Dillard; Jessica Kaufman; Linda Roth; Krista Busch; Nan Langenderfer
Subject: RE: BH v. CCSD - Expert Deadline

You may affix my signature



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From: Stephanie Barker <sbarker@ocgas.com>
Sent: Tuesday, September 05, 2023 7:01 PM
To: Christopher A. J. Swift <christopher@aswtlawyers.com>; Gregg A. Hubley <gregg@aswtlawyers.com>; Jackie V. Nichols <jnichols@maclaw.com>
Cc: Emily Grable <emily@aswtlawyers.com>; Emily Smith <emilys@aswtlawyers.com>; Bryan Tamayo <bryan@aswtlawyers.com>; Jasminn G. Hernandez <jasminn@aswtlawyers.com>; Tom Dillard <tdillard@ocgas.com>; Jessica Kaufman <jkaufman@ocgas.com>; Linda Roth <lroth@ocgas.com>; Krista Busch <kbusch@maclaw.com>; Nan Langenderfer <nlangenderfer@ocgas.com>
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